



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Huel, N. et al) Art Unit: 1625
Serial No. : 10/805,860) Examiner: Owens, Amelia A.
Confirmation No. : 1724
Filed : March 22, 2004
For : Tricyclic Heteroaromatic compounds
Docket No. : 1/1487

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION

Sir:

This is in response to the Office action mailed on September 17, 2004, setting forth an election of species requirement and a one-month period for reply. A Petition for Extension of Time for one month up to and including November 17, 2004 is submitted herewith, together with the necessary fee. Also submitted herewith is: (1) a copy of the stamped Reply Postcard indicating submission of priority document DE 103 16 659; (2) a copy of the stamped Reply Postcard indicating submission of the verified translation of priority document US Provisional Application Serial No. 60/465,161; (3) Certified copy of priority document DE 103 16 659; and (4) a copy of the verified translation of priority document US Provisional Application Serial No. 60/465,161.

According to the Examiner, claim 1 is generic to a plurality of disclosed patentably distinct species comprising the following exemplary groups:

- (1) X=N, Y=NR₃, A/R1 are nonheterocyclic;
- (2) X=N, Y=oxygen, A/R1 are nonheterocyclic;
- (3) X=N, Y=sulfur, A/R1 are nonheterocyclic;
- (4) X=N, Y=NR₃, A is nonheterocyclic, R1=acetidinyl;
- (5) X=N, Y=oxygen, A is nonheterocyclic, R1=acetidinyl;

The Examiner requires election to a single disclosed species.

Applicants hereby elect the species of group (3) wherein X=N, Y=sulfur, A/R1 are nonheterocyclic.

Support for the above compounds, *e.g.*, 7-(3-fluorophenyl)-2-methyl-9-methylamino thiazolo[4,5-f]quinoline, can be found throughout the specification, *inter alia*, in Example 6, pages 17-18.

According to the Office Action Summary, the Examiner has not received Certified copies of the priority documents.

Attorney for Applicants respectfully submits that, as evidenced by the copies of the stamped reply postcards submitted herewith, a Certified copy of priority document DE 103 16 659 was submitted on March 22, 2004 and a copy of the verified translation of priority document US Provisional Application Serial No. 60/465,161 was submitted on June 2, 2004. However, in order to expedite examination, copies of both priority documents are re-submitted herewith.

An examination on the merits is respectfully requested. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



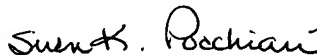
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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office by first class mail to the following address:

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on November 17, 2004.



By: Susan K. Pocchiari
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